

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

- - - - - X

:

UNITED STATES OF AMERICA

- v. -

: CONSENT PRELIMINARY ORDER
: OF FORFEITURE/
: MONEY JUDGMENT

RODOLFO ANTONIO CHECO,

: S1 17 Cr. 635 (VEC)

Defendant.

:

- - - - - X

WHEREAS, on or about November 30, 2017, RODOLFO ANTONIO CHECO, (the "defendant"), was charged in a two-count Superseding Information, S1 17 Cr. 635 (VEC) (the "Information"), with participating in a narcotics conspiracy, in violation of Title 21, United States Code, Sections 846 and 841(b)(1)(A) (Count One); and using and carrying a firearm in furtherance of drug trafficking, in violation of Title 18, United States Code, Sections 924(c)(1)(A)(i) and 2 (Count Two);

WHEREAS, the Information included a forfeiture allegation as to Count One, seeking forfeiture to the United States, pursuant to Title 18, United States Code, Section 981(a)(1)(C); Title 21, United States Code, Section 853; and Title 28, United States Code, Section 2461, as a result of the commission of the violations alleged in Count One of the Information;

WHEREAS, on or about November 30, 2017, the defendant pled guilty to Counts One and Two, pursuant to a plea agreement with the Government, wherein the defendant admitted the forfeiture

allegations with respect to Counts One and Four and agreed to forfeit, pursuant to Title 21, United States Code, Section 853 all property constituting or derived from proceeds the defendant obtained directly or indirectly as a result of the controlled substance offense and all property used or intended to be used in any manner or part to commit or to facilitate the commission of the controlled substance offense, including but not limited to a sum of money representing the amount of proceeds obtained as a result of the offense charged in Count One;

WHEREAS, the defendant consents to the entry of a money judgment in the amount of \$150,000 in United States currency representing the amount of proceeds traceable to the offenses charged in Count One of the Information that the defendant personally obtained; and

WHEREAS, the defendant admits that, as a result of acts and/or omissions of the defendant, the proceeds traceable to the offenses charged in Count One of the Information that the defendant personally obtained cannot be located upon the exercise of due diligence.

IT IS HEREBY STIPULATED AND AGREED, by and between the United States of America, by its attorney Audrey Strauss, Acting United States Attorney, Assistant United States Attorney, Andrew

K. Chan of counsel, and the defendant, and his counsel, Peter Batalla, Esq., that:

1. As a result of the offenses charged in Count One of the Information, to which the defendant pled guilty, a money judgment in the amount of \$150,000 in United States currency (the "Money Judgment"), representing the amount of proceeds traceable to the offenses charged in Count One of the Information that the defendant personally obtained, shall be entered against the defendant.

2. Pursuant to Rule 32.2(b)(4) of the Federal Rules of Criminal Procedure, this Consent Preliminary Order of Forfeiture/Money Judgment is final as to the defendant, RODOLFO ANTONIO CHECO and shall be deemed part of the sentence of the defendant, and shall be included in the judgment of conviction therewith.

3. All payments on the outstanding money judgment shall be made by postal money order, bank or certified check, made payable, in this instance, to the United States Marshals Service, and delivered by mail to the United States Attorney's Office, Southern District of New York, Attn: Money Laundering and Transnational Criminal Enterprises Unit, One St. Andrew's Plaza, New York, New York 10007 and shall indicate the defendant's name and case number.

4. The United States Marshals Service is authorized to deposit the payments on the Money Judgment in the Assets Forfeiture Fund, and the United States shall have clear title to such forfeited property.

5. Pursuant to Title 21, United States Code, Section 853(p), the United States is authorized to seek forfeiture of substitute assets of the defendant up to the uncollected amount of the Money Judgment.

6. Pursuant to Rule 32.2(b)(3) of the Federal Rules of Criminal Procedure, the United States Attorney's Office is authorized to conduct any discovery needed to identify, locate or dispose of forfeitable property, including depositions, interrogatories, requests for production of documents and the issuance of subpoenas.

7. The Court shall retain jurisdiction to enforce this Consent Preliminary Order of Forfeiture/Money Judgment, and to amend it as necessary, pursuant to Rule 32.2 of the Federal Rules of Criminal Procedure.

8. The Clerk of the Court shall forward three certified copies of this Consent Preliminary Order of Forfeiture/Money Judgment to Assistant United States Attorney Alexander J. Wilson, Co-Chief of the Money Laundering and

Transnational Criminal Enterprises Unit, United States Attorney's
Office, One St. Andrew's Plaza, New York, New York 10007.

[THE REMAINDER OF THIS PAGE HAS BEEN LEFT BLANK INTENTIONALLY]

9. The signature page of this Consent Preliminary Order of Forfeiture/Money Judgment may be executed in one or more counterparts, each of which will be deemed an original but all of which together will constitute one and the same instrument.

AGREED AND CONSENTED TO:

AUDREY STRAUSS
Acting United States Attorney for the
Southern District of New York

By: 

ANDREW K. CHAN
Assistant United States Attorney
One St. Andrew's Plaza
New York, NY 10007
(212) 637-1072

10/6/20

DATE

RODOLFO ANTONIO CHECO

By: 

RODOLFO ANTONIO CHECO

10/6/2020

DATE

By: 

PETER BATALLA, ESQ.
Attorney for Defendant
888 Brand Concourse, Suite 1N
Bronx, NY 10451

10/6/2020

DATE

SO ORDERED:


HONORABLE VALERIE E. CAPRONI
UNITED STATES DISTRICT JUDGE

10.6.20

DATE